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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GERVASIO MERCURI
Serial No.: 09/869,094 Group Art Unit: 1772
Filed: SEPTEMBER 18, 2001 Examiner: C. Simone
Title: MEAT PRODUCT CASING HAVING A MAXIMUM
EXTENSIBLE DIAMETER

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SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. 1.116

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are addressed to the Advisory Action dated April 23, 2003. The Amendment filed April 15, 2003 was not entered because it raised new issues with regard to the limitations "structure" in claim 1, the limitation "after" in claim 54 and "during knitting of" in claim 55. The indication is then given that the Amendment does not place the application into condition for allowance because the arguments are drawn to a proposed claim amendment which is not being entered.

The work "structure" in claim 45 is not a new issue because it is added to the preamble only to avoid antecedent basis problems with the recitation of "tubular casing" at line 4, claim 45 (not claim 1). No change in the scope of the claim is made and no argument can reasonably be set forth that would change the scope of the claim.

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Claim 54 was amended to contain the term "after" instead of "when".

There is no change in the meaning. To indicate that the knitting tube is stretchable when the circumferential threads becomes taut is identical to saying that the knitting tube is being stretchable after said circumferential threads become taut.

Claim 55 formerly recited that threads are secured to the first tubular portion "as said first tubular portion is being knitted." The claim now reads "during knitting of said first tubular portion." Again the same thing. These change were made because of the rejection of those claim under 37 U.S.C. 112, second paragraph with respect to this original language in claims 54 and 55. Thus, these changes were made in order to simplify issues on appeal, should an appeal be necessary, which is one of the reasons for entering an Amendment after final.

The main point remains however that the reference to Mintz '148 only uses a knitted product having stretched capability due to the stretchability in the resultant knitted product. That is, elasticized or non-elasticized yarn. There is no disclosure with respect to yarn wrapped around elastic thread. Mintz refers to a single strand of rubber which can be knitted into a structure or a single strand of rubber that is wrapped by two opposing wound threads.

Thus, no matter how it is construed, the reference to Mintz '148 does not disclose "an elastic thread in combination with the yarn wrapped around and along the length of the elastic thread wherein an unlimited number of turns of said yarn are provided around the elastic thread for a given length of the circumferential threads." The result of this claimed structure of independent claim 45 is that

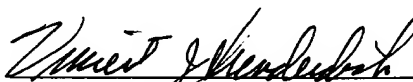
threads become taut after a predetermined amount of stretch due to the yarn being straighten to an extent where the yarn resist tensile force whereupon the circumferential threads become inextensible.

The Remarks contained in the Amendment filed on April 15, 2003 discuss the above matter and such Remarks are incorporated herein by reference. To conclude, and as an illustration of the distinctions, if any one of the threads shown in Mintz '148 were to be cut, then the whole structure including the stockinette and the longitudinal members would unravel which is contrary to the claimed invention, for example, defined by claim 46.

Absence some contraindications to the arguments with respect to the reference to Mintz when compared with the independent claim 45 and claim 46, Applicants respectfully urge the allowance of this application for all of the reasons indicated in the April 15, 2003 Amendment.

VJS
Date: ^{MAY} April 15, 2003

Respectfully submitted,


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